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Company. Judgment for defendant, and plaintiff brings error. Affirmed.

Jeffries & Jeffries and Wolcott, Wolcott, Lankford & Kear, all of Norfolk, for plaintiff in error.

Williams, Tunstall & Thom, of Norfolk, for defendant in error.

WRIGHT et ux. v. RABEY.

Sept. 9, 1915.

[86 S. E. 71.]

1. Boundaries (§ 32*)—Action to Establish—Pleading—Answer.—

Where, in a statutory proceeding to determine the boundaries of plaintiff's land, plaintiff incorporated two issues in her petition, the claimed location of her southern line and that of her western line, defense should not have been set up by way of answer, as though the proceeding were in equity, but by plea, since Acts 1912, c. 74, regulating the procedure of the action, provides that the remedy shall be on petition filed, which shall be matured for hearing as in ejectment, and that the trial shall be conducted as in other actions at law.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. § 145; Dec. Dig. § 32.* 11 Va.-W. Va. Enc. Dig. 609.]

2. Appeal and Error (§ 1042*)—Harmless Error—Rejection of Plea Allowed in Substance.—Where pleas on which issue was joined set up all matter contained in a plea which was rejected, such rejection, if erroneous, was harmless.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4110-4114; Dec. Dig. § 1042.* 1 Va.-W. Va. Enc. Dig. 582.]

3. Boundaries (§ 36*)—Evidence—Plat.—Where plaintiff, in a statutory proceeding to determine her boundaries, introduced surveyors as witnesses, who produced two plats made by them, explaining how a certain line on one had been determined, stating that it was run on the best information they could obtain, such testimony and the plats were admissible in evidence.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 160-162, 164, 166-176; Dec. Dig. § 36.* 11 Va.-W. Va. Enc. Dig. 607.]

4. Appeal and Error (§ 1050*)—Harmless Error—Evidence—Admission of Evidence.—In a proceeding to determine boundaries, where a deed was admitted in evidence, which was not introduced in any wise to show any boundary line between the plaintiff and such defendants as later brought error, any error in its admission was harmless as to such defendants.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1068, 1069, 4153-4157, 4166; Dec. Dig. § 1050.* 1 Va.-W. Va. Enc. Dig. 582.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

5. Boundaries (§ 36*)—Evidence.—In a proceeding to determine boundaries, where a court commissioner's deed in a prior suit conveying the land claimed by plaintiff was offered in evidence by the latter, such deed was properly received as evidence of the boundaries; it not being open to collateral attack by strangers to the suit in which it was given, limiting its efficacy to giving only color of title.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 160-162, 164, 166-176; Dec. Dig. § 36.* 11 Va.-W. Va. Enc. Dig. 609.]

6. Boundaries (§ 41*)—Establishment—Instruction.—In a proceeding to determine boundaries, where there was a large number of witnesses introduced, as well as a mass of documentary evidence, an instruction that the proceeding was pursuant to a statute that provided a summary method by which disputes between coterminous landowners as to boundaries might be determined without a great deal of technical formality, and that it was for the jury to consider the evidence, and upon it to determine the true boundary between the parties, fairly submitted the case to the jury.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 205-207; Dec. Dig. § 41.* 11 Va.-W. Va. Enc. Dig. 609.]

Error to Circuit Court, Nansemond County.

Action by Maggie G. Rabey against Frank Wright and others. Judgment for plaintiff, and defendants Wright and wife bring error. Affirmed.

Epes & Epes, of Blackstone, for plaintiffs in error.

Denny & Rabey, of Norfolk, for defendant in error.

BARKER-BOND LUMBER CO., Inc., v. WHALEY.

Sept. 9, 1915.

[86 S. E. 160.]

Bankruptcy (§ 295*)—Exempt Property—Jurisdiction of State Court.—Under Bankr. Act July 1, 1898, c. 541, § 70, 30 Stat. 565 (U. S. Comp. St. 1913, § 9654), providing that the trustee in bankruptcy shall be vested with title to the bankrupt's property, "except in so far as it is the property which is exempt to all," and section 2, cl. 11, providing that the federal bankruptcy court shall determine all claims of bankrupts to their exemptions, where a trustee in bankruptcy, after the federal court set apart to the bankrupt his homestead exemption, including a note, and after such setting apart, without authority, by mistake or oversight, proceeded to collect such note, the state court had jurisdiction of garnishment proceedings by a judgment creditor of the bankrupt against the trustee in garnishment.

[Ed. Note.—For other cases, see Bankruptcy, Cent. Dig. §§ 414, 417; Dec. Dig. § 295.* 2 Va.-W. Va. Enc. Dig. 238.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.